

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GERALD DAVID WATSON,  
Petitioner,  
vs.  
MAGGIE MILLER-STOUT,  
Respondent.

NO. CV-09-3104-LRS  
ORDER DISMISSING ACTION

By Order filed February 2, 2010, the court advised Mr. Watson of the deficiencies of his First Amended Petition and directed him to amend within sixty (60) days. The court cautioned Mr. Watson that failure to amend would result in dismissal of the action. Petitioner did not comply and has filed nothing further.

After review of Petitioner's submissions, the court found Mr. Watson had failed to present his claims for relief to the Washington State Supreme Court under any federal legal theory. *Hudson v. Rushen*, 686 F.2d 826 (9th Cir. 1982); *Schiers v. People of State of California*, 333 F.2d 173 (1964). Furthermore, a federal habeas court cannot review questions of state evidence law. *See Estelle v. McGuire*, 502 U.S. 62 (1991). Therefore, for the reasons set forth in the court's previous Order, **IT IS ORDERED** this action is **DISMISSED without prejudice** for failure to exhaust state court remedies.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment, forward a copy to Petitioner and close the file. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not

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1 be taken in good faith, and there is no basis upon which to issue a certificate of  
2 appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

3 **DATED** this 12th day of April, 2010.

4 *s/Lonny R. Suko*

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6 LONNY R. SUKO  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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